

**STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER**

Order Issued September 23, 2020
Revised (December 1, 2020)

**Emergency Rules from the Supreme Judicial Court on
Waiver of Initial Appearances and Arraignments**

On March 13, 2020, the Supreme Judicial Court issued an Emergency Order reducing the number of people coming into state courthouses in light of the serious health risks posed by the novel coronavirus (COVID-19) pandemic. Thereafter, the Supreme Judicial Court issued a series of Pandemic Management Orders to address court proceedings during the pandemic and a Phased Management Plan ("the Plan"), which was initially issued on May 27, 2020.

In light of public health concerns and to reduce the number of people in the courtroom during arraignment proceedings, effective immediately, any represented defendant who is not in custody and is charged with a Class A, B, or C criminal offense may waive the defendant's initial appearance, unless otherwise ordered by the court. In addition, any represented defendant who is not in custody and is charged with a Class B, C, D, or E criminal offense may waive the defendant's arraignment, unless otherwise ordered by the court.

To waive a defendant's initial appearance or arraignment, the defendant's counsel shall file with the court a letter entering the attorney's appearance and stating that the attorney

1. Has provided a copy of the complaint or indictment to the defendant;
2. Has fully explained the charges pending against the defendant to the defendant;
3. Has fully explained all of the defendant's rights to the defendant;
4. Has conferred with the defendant and the attorney confirms that the defendant agrees to waive the initial appearance or arraignment;

5. Has conferred with the defendant and the attorney confirms that the defendant agrees to continue the bail amount and conditions already in place;
6. Has conferred with the District Attorney or Assistant District Attorney General and the attorney confirms that the prosecutor has no objection to the waiver of the initial appearance or arraignment;
7. Has conferred with the District Attorney or Assistant Attorney General and the attorney confirms that the prosecutor agrees that the currently existing bail is satisfactory and neither party seeks any modifications to bail; and
8. Will notify the defendant of the defendant's next court event as soon as the attorney receives notice from the court.

When the court event to be waived is arraignment, the letter must also state that the attorney has conferred with the defendant and confirms that the defendant wishes to enter a plea of "not guilty" to all charges.

The defendant shall confirm-paragraphs 1 through 5 above by signing the letter filed by the defendant's attorney. In addition, if the court event to be waived is arraignment, the defendant's signature on the letter will confirm that the defendant wishes to enter a plea of "not guilty" to all charges.

Nothing in this emergency rule shall be construed to limit the authority of a judge or justice to consider bail modification upon the receipt of the defendant's waiver of initial appearance.

This emergency rule does not limit the defendant's right to petition for a review of preconviction bail under 15 M.R.S. § 1029 or the Maine Rules of Unified Criminal Procedure.

Dated: _____

For the Court:

/s/
Andrew M. Mead
Acting Chief Justice